

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CATALINA LOVOS,

MEMORANDUM & ORDER
08-CV-1167(JS)(ARL)

Plaintiff,

-against-

OCEAN FRESH SEA CLAM, LTD.,

Defendant.

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APPEARANCES:

For Plaintiff: Steven L. Barkan, Esq.
5 Dakota Drive, Suite 204
Lake Success, NY 11042

For Defendants: Anthony S. Senft , Jr., Esq.
21 Carleton Avenue
East Islip, NY 11730

SEYBERT, District Judge:

Plaintiff Catalina Lovos brought this action against Defendant Ocean Fresh Sea Clam, Limited, under the Jones Act and general maritime law to recover for injuries he allegedly suffered while working aboard a vessel operated by Defendant. Plaintiff moved for partial summary judgment as to liability on his claim for maintenance and cure under Admiralty Law. On December 11, 2009 the Court referred Plaintiff's motion to Magistrate Judge Arlene R. Lindsay for a Report and Recommendation ("R&R"). On December 21, 2010, Judge Lindsay issued an R&R recommending that Plaintiff's motion be denied because there exists an issue of fact whether Plaintiff was

injured while in the service of Defendant's vessel.

Judge Lindsay explained in her R&R that any objections were to be filed within fourteen (14) days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS Judge Lindsay's R&R in its entirety. Plaintiff's motion for partial summary judgment is therefore DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 26, 2011
Central Islip, New York